

# EXHIBIT A



## Thomas R. Burke

**PARTNER**

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Chair, Pro Bono & Social Impact  
Committee

### Education

J.D., University of San Francisco  
School of Law, 1989, magna cum  
laude

B.S., Broadcast Journalism,  
Arizona State University, 1984,  
magna cum laude

### Admitted to Practice

California, 1989

U.S. Supreme Court, 2006

## I defend speech and fight government secrecy.

Tom Burke defends speech and content across all mediums – representing internet companies; networks; studios; book, magazine and news publishers; and authors, journalists, photographers, documentary filmmakers, and environmental groups. With nearly 30 years of trial and appellate experience in California's state and federal courts, Tom's practice covers the full spectrum of content liability issues including First Amendment matters and the defense of libel, privacy, right of publicity, copyright, trademark, and false advertising claims. A veteran newsroom lawyer, Tom regularly provides prepublication counseling and vets books and scripts. He defends journalists facing subpoenas for unpublished information and confidential sources. He also regularly litigates high-profile state and federal public records lawsuits. Tom is the author of "Anti-SLAPP Litigation" (The Rutter Group 2013-present) and since 2002, teaches media law at the Graduate School of Journalism at the University of California, Berkeley.

## Practice Highlights

### Libel defense

*Planet Aid v. The Center for Investigative Reporting* - Representing Reveal from the Center for Investigative Reporting and its reporters in a libel lawsuit in U.S. District Court in San Francisco that challenges nearly 80 statements and 20 publications following an 18-month investigation into the alleged misuse of US and foreign funding to farmers in Malawi, Africa.

### Public records & access lawsuits

Litigating public records lawsuits to make public information about: the implementation of President Trump's Muslim travel ban; Veteran's Administration whistleblower complaints; the CIA's activities during El Salvador's civil war; ICE enforcement activities in California and Washington State; FBI surveillance of an Muslim American community in Illinois; and police misconduct records throughout California following S.B. 1421.

## Internet speech

Defended Yelp Inc. in a closely-watched California Supreme Court case (*Hassell v. Bird*, 5 Cal. 5th 522 (2018)) that upheld Yelp's due process and free speech rights under Section 230 of the Communications Decency Act. In a 4-3 decision, reversing the Court of Appeal, the Supreme Court held that Yelp was not required to comply with a trial court order to remove a defamatory user review of a law firm published on Yelp. On January 22, 2019, the U.S. Supreme Court declined to review the case.

## Experience

### Libel, Privacy and Other Constitutional Matters

#### **Planet Aid v. Reveal from the Center for Investigative Reporting**

Representing Reveal from the Center for Investigative Reporting and its reporters in a libel lawsuit that challenges nearly 80 statements and 20 publications following CIR's 18-month investigation into the alleged misuse of U.S. and foreign funding to farmers in Malawi, Africa. After successfully transferring case from Maryland to California, CIR's anti-SLAPP motion remains pending. (N.D. Cal. Ongoing)

#### **Energy Transfer Partners et al. v. Greenpeace Int'l et al.**

Defending Greenpeace's environmental advocacy in action brought by owner of Dakota Access Pipeline alleging that environmental groups are a global conspiracy under the RICO statute. Motion to dismiss granted. (Ongoing; D.N.D. 2019)

#### **Gallaher v. Sonoma Media Investments, LLC**

Represented the Santa Rosa Press Democrat and its reporter in a defamation lawsuit brought by a prominent real estate developer and his son-in-law, arising from a series of articles reporting on an unprecedented \$202,000 in political expenditures by the son-in-law in the final two weeks of the 2016 Santa Rosa City Council elections, after which the developer began to seek approval for large real estate developments in the community. The trial court granted in part and denied in part the defendants' anti-SLAPP motions, after which all parties appealed. The California Court of Appeal reversed the portion of the trial court's order that denied the anti-SLAPP Motions, directing that court to grant the motions in full and to award defendants their attorneys' fees. 2019 WL 1531988 (Cal. App. 2019)

#### **Rand Resources, LLC v. City of Carson**

Submitted media amici brief urging the California Supreme Court to broadly interpret what is a matter of "public interest" under the state's anti-SLAPP statute. 6 Cal. 5th 610 (2019)

<b>Resolute Forest Products, Inc. et al. v. Greenpeace International, et al.</b>	Representing Greenpeace in defamation and RICO action brought by forestry company arising from Greenpeace's speech about the impact of company's activities with Canada's boreal forest. After successfully transferring the case from Georgia to California, motion to dismiss and to strike under anti-SLAPP statute granted; renewed motions after amendment granted as to RICO and all but 2 of the 296 alleged defamatory statements. 2019 WL 281370 (N.D. Cal. 2019)
<b>Goldstein v. Climate Action Network, et al.</b>	Represented Sierra Club and other national environmental organizations to obtain the dismissal of a defamation action (styled as a RICO action) challenging the funding of climate science and advocacy based on First Amendment protections. (D.N.D. Texas 2017)
<b>Park v. Bd. of Trustees of California State University</b>	Submitted amici brief urging the California Supreme Court to interpret the state's anti-SLAPP to be narrowly available to government entities. 2 Cal. 5th 1057 (2017)
<b>Almeciga v. Center for Investigative Reporting</b>	Obtained dismissal of plaintiff's fraud, fraudulent concealment, and breach of contract claims that CIR breached a promise to conceal her identity and forged her signature on a release for CIR's 2013 documentary, "I was a Hitman for Miguel Trevino," about a teenage assassin's role with the Los Zetas drug cartel. Following an evidentiary hearing, S.D.N.Y. Judge Jed Rakoff independently dismissed the plaintiff's lawsuit as a "fraud on the court" finding "clear and convincing evidence" that plaintiff made "critical and serious allegations that she knew to be false" and also excluded the plaintiff's handwriting expert. 185 F. Supp. 3d 401 (S.D.N.Y. 2016); 121 F. Supp. 3d 379 (S.D.N.Y. 2015)
<b>Baral v. Schnitt</b>	Submitted media amici brief urging the California Supreme Court to broadly interpret the state's anti-SLAPP statute to be available to strike protected free speech and petitioning activities even if a plaintiff's entire cause of action is not dismissed, a position unanimously adopted by the Court. 1 Cal. 5th 376 (2016)
<b>Brodeur v. Atlas Entertainment, et al.</b>	Submitted media amici brief urging a California Court of Appeal to broadly construe what is a "matter of public interest" under the state's anti-SLAPP statute arising from challenged dialogue in the movie "American Hustle." 248 Cal. App. 4th 665 (2016)
<b>Mad Men</b>	Outside production counsel for "Mad Men," the Emmy-award winning fictional television drama about one of New York's most prestigious ad agencies during the 1960s. (2007-2015)

<b>O'Rourke v. Comcast</b>	Successfully defended Comcast in a libel action arising from a cable billing dispute that went viral. (N.D. Cal. 2015)
<b>Abbas v. Foreign Policy Group, LLC et al</b>	Submitted amicus brief on behalf of coalition of media organizations and trade associations urging D.C. Circuit to hold that Washington, D.C.'s anti-SLAPP law applies in federal court. (D.C. Cir. 2014)
<b>Enjaian v. ALM Media Properties</b>	Obtained dismissal of libel action brought by a University of Michigan Law School alum who sued the National Law Journal for accurately reporting on stalking allegations made against plaintiff by his classmates and a related Twitter message. (N.D. Cal. 2014)
<b>Intercon Solutions, Inc. v. Basel Action Network et al</b>	Submitted amicus brief on behalf of coalition of media organizations and trade associations urging 7th Circuit to hold that Washington's anti-SLAPP law applies in federal court and that the collateral order doctrine permits immediate appeal from denial of an anti-SLAPP motion. (7th Cir. 2014)
<b>Smith v. Payne</b>	Twice successfully obtained dismissals of libel and newsgathering lawsuits brought against The Press Democrat's reporting about plaintiffs' protracted disputes with a series of former landlords in multiple states. (N.D. Cal. 2012)
<b>Tiwari v. NBCUniversal Media, Inc.</b>	Represented NBCUniversal to obtain dismissal of libel and IIED claims and to resolve a federal civil rights lawsuit arising from an episode of "Dateline NBC: To Catch A Predator." (2012)
<b>Whitted Atkins Funeral Home v. ABC</b>	Obtained the immediate voluntary dismiss of an attempted prior restraint order (filed in conjunction with a libel action) sought by a funeral home to prevent the broadcast of an ABC news investigation. (San Francisco Cnty. (Cal.) Super. Ct. 2012)
<b>Young v. CBS Broadcasting</b>	Represented CBS in a libel lawsuit (involving more than a dozen allegedly libelous sentences) based on an investigative news broadcast that reported on problems arising in legal proceedings to conserve the elderly and infirm in California. The California Court of Appeal held that plaintiff (a private conservator) was a public figure for purposes of the alleged libel and failed to establish actual malice, and ordered her claims stricken. 212 Cal. App. 4th 551 (2012)
<b>Ibarra v. Carpinello</b>	Obtained summary dismissal of libel litigation in the trial and appellate court arising from the commentary of a Houston Chronicle sports blogger writing about a controversy in the MMA world. (Los Angeles Cnty. (Cal.) Super. Ct.; Ct. of Appeal 2011)

<b>Kim v. Korea Daily</b>	Successfully defended Korean newspaper in a libel action challenging news reports about a 2010 election within the Korean-American Community of San Francisco. (Alameda Cnty. (Cal.) Sup. Ct. 2011)
<b>Snyder v. Phelps</b>	Submitted amicus brief on behalf of twenty-two media organizations urging the U.S. Supreme Court to decide that intrusion and intentional infliction of emotional distress claims cannot be based solely on the publication of offensive opinions about matters of public concern. The Court agreed, ruling 8-1 that the speech at issue is protected by the First Amendment. <a href="#">Read the amicus brief.</a> 562 U.S. 9 (2011)
<b>Suulutaaq et. al. v. Center for Investigative Reporting et al.</b>	Successfully defended award-winning investigative reporting center, its veteran reporter, and the San Francisco Chronicle in libel action brought by an Alaska Native corporation challenging a news article that raised questions about its receipt of millions in federal stimulus money for a construction project in Napa Valley. The bulk of Suulutaaq's implication claims were dismissed by the Court as a matter of law, after which Suulutaaq voluntarily dismissed the action with prejudice. 782 F. Supp. 2d 795, 2010 (D. Alaska 2011)
<b>Brooks v. San Francisco Chronicle</b>	As local counsel, using the anti-SLAPP statute, obtained the dismissal of a libel lawsuit filed by an elected Oakland City Councilwoman. The action challenged one sentence in a column that recounted law enforcement investigations of the plaintiff. The trial and court of appeal unanimously upheld the challenged statement as absolutely privileged as a 'fair and true' report of an official proceeding. (Alameda Cnty. (Cal.) Super. Ct. 2010)
<b>In re Reglan products liability litigation</b>	Successfully obtained the prompt voluntary dismissal of 103 individual products liability lawsuits filed challenging the content of a drug monograph, using the anti-SLAPP statute. (San Francisco Cnty. (Cal.) Super. Ct. 2010)
<b>Rivera v. First Data Bank</b>	As local counsel, using the anti-SLAPP statute, obtained the dismissal of wrongful death claims brought against First Databank, a medical publisher, on the grounds that First Databank's drug monograph was protected by the First Amendment. 187 Cal. App. 4th 709 (2010)
<b>Simpson Strong-Tie v. Gore</b>	Obtained unanimous California Supreme Court decision affirming the summary dismissal by the trial and appellate courts of a trade libel lawsuit arising from a plaintiff class action attorney's constitutionally-protected efforts to locate potential class representatives, which established the precedent that the 'commercial speech' exemption (CCP 425.17(c)) to California's anti-SLAPP statute is to be narrowly construed to protect First Amendment activities. 49 Cal. 4th 12 (2010)

<b>Stewart v. Rolling Stone Magazine</b>	Represented Rolling Stone Magazine to successfully dismiss right of publicity claims brought by a putative class of musicians that arose out of a gatefold editorial feature published adjacent to a cigarette advertisement. In this issue of first impression, the Court of Appeal unanimously dismissed plaintiffs' claims finding that the gatefold was protected under the First Amendment. 181 Cal. App. 4th 664 (2010)
<b>Gangland/A&amp;E Lawsuit</b>	Obtained voluntary dismissal of invasion of privacy and libel lawsuit arising from the use of still photographs in an episode of The History Channel's "Gangland" television program. (N.D. Cal. 2009)
<b>Club Members for an Honest Election v. Sierra Club</b>	After successfully petitioning for review, obtained unanimous California Supreme Court ruling dismissing a lawsuit targeting the environmental organization's First Amendment-protected election activities, and establishing the precedent that the 'public interest' exemption (CCP 425.17(b)) to California's anti-SLAPP statute is to be narrowly construed to protect First Amendment activities. 45 Cal. 4th 309 (2008)
<b>Taus v. Loftus</b>	After successfully petitioning for review, obtained the dismissal of claims (in the Court of Appeal and California Supreme Court) in complex defamation and invasion of privacy lawsuit against prominent psychologists and a national magazine arising from the scientific debate over 'repressed memories' of alleged sexual abuse. 40 Cal. 4th 683 (2007)
<b>Bonds v. Sports Illustrated</b>	Defended Sports Illustrated magazine in injunctive relief lawsuit filed by Barry Bonds to challenge publication of confidential federal grand jury testimony appearing in an article about steroid use in Major League Baseball. Action voluntarily dismissed by Bonds after request for injunction was denied. (San Francisco Cnty. (Cal.) Super. Ct. 2007)
<b>Drake v. Leno</b>	Obtained summary dismissal of libel action against television network arising from a comedy routine on "The Tonight Show with Jay Leno." (San Francisco Cnty. (Cal.) Super. Ct. 2006)
<b>Carver v. Bonds</b>	Successfully defended former San Francisco 49er Roger Craig in libel lawsuit arising from statements published in newspaper's investigative article. (San Francisco Cnty. (Cal.) Sup. Ct. 2005)
<b>Wiley v. Black Entertainment Television</b>	Obtained voluntary dismissal after motion filed to dismiss emotional distress claims against BET for use of still photograph of Magic Johnson during annual cable television network's annual music awards program. (N.D. Cal. 2004)

<b>Li v. CBS Broadcasting</b>	Obtained dismissal of libel and privacy claims based on hidden-camera news investigation of San Francisco restaurant health code violations. (San Francisco Cnty. (Cal.) Super. Ct. 2003)
<b>Sea Horse Ranch v. CBS Broadcasting</b>	Obtained voluntarily dismissal after motion filed to dismiss negligence and privacy claims based on hidden camera investigation of alleged animal abuses. (San Francisco Cnty. (Cal.) Super. Ct. 2003)
<b>Citizens Against the Unauthorized Practice of Law v. ABC</b>	Obtained voluntary dismissal of invasion of privacy claims based on hidden-camera news investigation of immigrant counseling service. (San Francisco Cnty. (Cal.) Super. Ct. 2002)
<b>Daly v. Viacom</b>	Defended and obtained dismissal of libel, invasion of privacy and right of publicity claims based on use of footage of plaintiff in a reality television program. (N.D. Cal. 2002)
<b>Seelig v. Infinity Broadcasting</b>	Obtained dismissal of libel claim brought by contestant on "Who Wants to Marry a Multi-Millionaire?" reality-television program against live San Francisco morning radio program, establishing appellate precedent for the broad application of California's anti-SLAPP statute. 97 Cal. App. 4th 798 (2002)
<b>Nadel v. Regents of the University of California*</b>	Successfully defended libel action based on press release about plaintiffs' actions in People's Park in Berkeley. Court of Appeal recognized that government employees enjoy First Amendment protected free speech rights. 28 Cal. App. 4th 1251 (1994)
<b>Sparks v. San Francisco Bay Guardian*</b>	Successfully defended Bay Guardian in libel and invasion of action arising from an April Fool's Day parody edition of the newspaper. 17 Cal. App. 4th 655 (1993)
<b>Internet</b>	
<b>Henreid v. Microsoft</b>	Represented Microsoft and its search engine Bing.com to dismiss libel and related claims from alleged search engine results challenged by a California attorney. (Santa Clara Cty. (Cal.) Sup. Ct. 2020)
<b>Multiversal v. Yelp</b>	Successfully defended Yelp Inc. in a false advertising and unfair competition lawsuit from Yelp's publication of an online video about the operation of its recommendation software. Defeated plaintiff's repeated efforts to learn Yelp's proprietary trade secret information, and then prevailed on the merits following a 16-month-long trial. This matter is now on appeal in the Court of Appeal (Second Appellate District). (Los Angeles Sup. Ct. 2020)



<b>Hassell v. Bird (Yelp)</b>	Defended Yelp Inc. in this closely-watched California Supreme Court case that upheld Yelp's due process and free speech rights under Section 230 of the Communications Decency Act. Reversing the Court of Appeal, in a 4-3 decision, the Supreme Court held that Yelp was not required to comply with a trial court order to remove a defamatory user review of a law firm published on Yelp. On January 22, 2019, the U.S. Supreme Court declined to review the case. (5 Cal. 5th 522 (2018))
<b>Darsky v. Avvo, Inc.</b>	Represented Avvo in lawsuit brought by licensed California attorney on behalf of putative class who alleged that Avvo misappropriated his name and likeness by selling advertising on the same page as publicly available information about him and his law practice. After the hearing on Avvo's anti-SLAPP motion, plaintiff agreed to dismiss the case in exchange for an agreement limiting his obligation to pay Avvo's attorneys' fees. (N.D. Cal. 2016)
<b>GLAD v. Cable News Network, Inc.</b>	Lead counsel representing CNN in this putative class action lawsuit for alleged California civil rights and Disabled Persons Act violations that sought to compel CNN to include captioning on all news videos available on CNN.com only months before the FCC issued final closed-captioning rules. Reversing the district court, the 9th Circuit held that CNN's captioning decisions were protected by its free speech rights and dismissed the civil rights claims. The court certified review of the disability claim to the California Supreme Court after which plaintiffs voluntarily dismissed the action. (742 F.3d 414 (9th Cir. 2014); 742 F.3d 871 (9th Cir. 2014))
<b>Jones v. Dirty World Entertainment Recordings LLC</b>	Submitted amicus brief on behalf of online service providers, including major technology companies and news media, arguing for reversal of district court's narrow interpretation of Section 230 of the Communications Decency Act. The 6th Circuit Court of Appeals ultimately reversed and vacated the judgment, endorsing a broad interpretation of Section 230 which permits websites and service providers to engage in traditional editorial functions without becoming liable for user content. (6th Cir. 2014)
<b>Valentine v. Nebuad</b>	Obtained dismissal on lack of jurisdiction, on behalf of internet service provider Bresnan Communications in federal privacy lawsuit challenging the use of deep-packet inspection technology (2009). Won dismissal of ECPA claims in sister-case in Montana and in the 9th Circuit enforcing arbitration. (N.D. Cal. 2011; 9th Cir. 2013)
<b>Funspire Interactive v. mywaves, Inc.</b>	Successfully defended mobile content provider in breach of contract action involving advertising on mobile devices. (Santa Clara Sup. Ct. 2012)

<b>Keck v. Amazon.com</b>	Defended Amazon.com against privacy claims raised by book that was published by third parties through Amazon's Kindle Direct Publishing program. Court found Amazon.com immune from liability under Section 230, granting its motion for judgment on the pleadings. (Placer Sup. Ct. 2011)
<b>Smith v. The Regents of Univ. of California</b>	Represented UCSF, through summary judgment, in a class action lawsuit for alleged CMIA and constitutional invasion of privacy claims, valued at over one billion dollars, arising from UCSF's automated sharing of patient information with a third-party vendor. The constitutional privacy claim was dismissed on summary judgment and the CMIA claim was favorably resolved in a settlement approved by the trial court. 2010 WL 5148256 (2010)
<b>Liao v. CNN</b>	Twice, obtained dismissal of federal civil rights lawsuit challenging editorial content on <a href="#">CNN.com</a> . (N.D. Cal. 2009)
<b>Fair Housing Council of San Fernando Valley, et al. v. Roommates.com, LLC</b>	Submitted amicus brief on behalf of media amici in 9th Circuit's en banc review of the scope of immunity afforded by Section 230 of the Communications Decency Act to mixed-content websites. No. 04-56916 ( <i>en banc</i> ) 521 F.3d 1157 (9th Cir. 2008)
<b>Kaiser Permanente v. Cooper</b>	Obtained temporary and permanent injunction against former IT employee, self-dubbed the "Diva of Disgruntled," from disseminating online, protected health information of over 100 Kaiser members. (Alameda Supr. Ct. 2006)
<b>Public Records Litigation</b>	
<b>ACLU Chapters v. Department of Homeland Security</b>	Successfully represented ACLU chapters in Freedom of Information Act lawsuits in the Southern, Central and Northern Districts of California against the Department of Homeland Security and Customs and Border Protection to compel the release of public records documenting CBP's local implementation of President Trump's 2017 executive orders halting refugee admissions and barring travelers from several predominantly Muslim countries. (S.D. Cal., C.D. Cal., N.D. Cal.; Ongoing)
<b>Boundaoui v. FBI</b>	Representing a documentary filmmaker in FOIA litigation to compel the FBI to produce records of "Operation Savage Betrayal" – the FBI's surveillance of a Muslim American community outside of Chicago. Ms. Boundaoui's investigation uncovered one of the largest FBI terrorism probes conducted before September 11th and is the subject of her film: "The Feeling of Being Watched" (2018) (N.D. Ill.; Ongoing)
<b>First Amendment Coalition v. Becerra</b>	Representing KQED in a California Public Records Act lawsuit to compel California's Attorney General to comply with newly enacted Senate Bill 1421

and release “millions” of records related to peace-officer conduct currently being withheld. (San Francisco Sup. Ct. Ongoing)

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**Lawyers Committee for Civil Rights of the Bay Area v. U.S. Citizenship & Immigration Services**

Representing LCCR and immigration non-profit organizations in FOIA litigation against USCIS to compel the agency to release records regarding the agency’s use of “gang indicators” in asylum determinations. (Ongoing; N.D. Cal.)

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**National Public Radio v. Federal Bureau of Investigation**

Representing NPR in FOIA litigation to compel the release of videos of ballistics testing conducted by the FBI. (Ongoing D.D.C.)

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**National Public Radio v. Office of Management & Budget**

Representing NPR in FOIA litigation to compel OMB to release particular “all staff” emails sent by OMB Director Mick Mulvaney. (Ongoing; D.D.C.)

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**National Public Radio v. Veteran's Administration**

Representing NPR in FOIA litigation to compel the VA to release hundreds of Whistleblower complaints made to the newly created Office of Accountability and Whistleblower Protection in the Veteran’s Administration. (Ongoing; N.D. Cal.)

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**The Center for Investigative Reporting v. Beverley Hills Unified School District**

Representing CIR in a public records lawsuit to compel the BHUSD to produce public documents reflecting lobbying efforts with the Trump White House and others to garner support to stop funding for the Purple Line Extension of the Los Angeles subway. (Los Angeles Sup. Ct.; Ongoing)

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**University of Washington v. U.S. Dept. of Defense**

As a special assistant attorney general, representing the University of Washington and its Center for Human Rights in FOIA litigation to compel the Department of Defense and the Defense Intelligence Agency and the U.S. Southern Command to release records documenting information about massacres in El Salvador during the country’s civil war in the 1980s. Previously classified documents obtained by the University through earlier FOIA litigation against the Central Intelligence Agency were cited by the Constitutional Chamber of the Supreme Court of El Salvador in a 2017 ruling ordering a new investigation of the forced disappearance of children during an August 1982 military operation in the department of San Vicente. (Ongoing; W.D. Wash.)

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**University of Washington v. U.S. Dept. of Homeland Security**

As a special assistant attorney general, representing the University of Washington and its Center for Human Rights in FOIA litigation against the Dept. of Homeland Security, ICE, and CBP to compel the Department of Homeland Security and ICE to release public records documenting the agencies activities within the State of Washington. (Ongoing; W.D. Wash.)

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<b>Voice of San Diego v. U.S. Army</b>	Representing the VOSD in FOIA litigation to compel the Army Corp. of Engineers to release public documents about the building of the U.S./Mexico border wall near San Diego. (Ongoing; S.D. Cal.)
<b>Muslim Advocates v. City of Los Angeles</b>	Successfully obtained public records concerning the LAPD's plan to "map" Muslims in Los Angeles. The LAPD responded to Muslim Advocates' Public Records Act request by claiming that "no records exist," but after years of litigation disclosed 500-plus pages of responsive records. Following Muslim Advocates' success on the merits, the court ordered the City of Los Angeles to pay more than \$500,000 in attorneys' fees. (Cal. Super. Ct. 2018)
<b>National Conference of Black Mayors v. Sacramento News &amp; Review</b>	Defended SN&R in a novel injunctive relief lawsuit brought by the Mayor of Sacramento after the SN&R made a California Public Records Act request for emails sent by the Mayor and his staff using private email accounts. After defeating the Mayor's preliminary injunction (to block the release of hundreds of emails allegedly protected by the attorney-client privilege), convinced the Sacramento Superior Court to release the vast majority of the remaining withheld emails that revealed the Mayor's use of staff to conduct non-city business and using non-city staff to conduct city business. Nevertheless, SN&R's fees request was denied. 25 Cal. App. 5th 570 (2018)
<b>Bloom v. The Regents of the University of California</b>	Co-counsel representing a journalism professor in a Public Records Act lawsuit that forced the Bancroft library on the Berkeley campus to make available to the public, files of the historic Special Crime Study Commission on Organized Crime in California. The collection comprised the activities of the Commission, first appointed in 1947 by then-Governor and future Chief Justice of the United States Supreme Court Earl Warren. UC-Berkeley insisted that the collection was not publicly accessible because it was privately donated and access was controlled by the donor's wishes. After depositions were taken of Bancroft librarians and a demand was made by the State's Archivist that the collection be publicly accessible, the University reversed course. The Regents paid over \$100,000 in attorneys' fees. (Alameda Sup. Ct. 2017)
<b>City of Los Angeles v. Superior Court (Anderson-Barker)</b>	Submitted media amici brief in support of allowing California's Civil Discovery Act to be available in Public Records Act proceedings, the position adopted by the Court of Appeal in this matter of first impression. 9 Cal. App. 5th 272 (2017)
<b>First Amendment Coalition v. DOJ</b>	Litigated five-year FOIA action that compelled the U.S. Department of Justice to disclose legal memoranda provided by the Office of Legal Counsel to the CIA and Department of Defense regarding the legality of the executive branch's extra-judicial lethal execution of U.S. citizens living overseas and designated as terrorists. On appeal, the 9th Circuit found that the district

court had abused its discretion in denying our client's ability to recover its attorneys' fees. In 2019, the DOJ paid \$300,000 in attorneys' fees in a settlement. 878 F.3d 1119 (9th Cir. 2017)

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**In re American Civil Liberties Union Freedom of Information Act requests regarding executive order 13769 (MDL No. 2786)**

Represented 44 ACLU Chapters across the nation to successfully oppose the U.S. Department of Homeland Security and U.S. Customs & Border Protection's motion before the U.S. Judicial Panel on Multidistrict Litigation to transfer to the U.S. District Court for the District of Columbia, 13 FOIA separately filed lawsuits across the country. All 13 Freedom of Information Act lawsuits sought access to local field office records about the CBP's interpretation and enforcement of the January 27, 2017, Executive Order No. 13769, titled "Protecting the Nation from Foreign Terrorist Entry Into the United States." The request was only the third time that the Government has ever sought MDL consolidation of FOIA lawsuits and the first time its request was denied. (2017)

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**Pacific Merchant Shipping Association v. Board of Pilot Commissioners & San Francisco Bar Pilots**

Represented PMSA to successfully compel the disclosure of pilot schedules and other records used by the state's licensed pilots responsible for safely piloting all ocean-going vessels in San Francisco Bay and establishing that the Port Agent is a public official subject to the requirements of the California Public Records Act. 218 Cal. App. 4th 577 (2013) PMSA was awarded nearly \$300K in attorneys' fees and costs. 242 Cal. App. 4th 1043 (2015)

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**Public.Resource.Org v. IRS**

Represented government transparency advocacy group in Freedom of Information Act lawsuit that compelled the IRS to make Form 990 tax returns of all nonprofit organizations available in modern electronic format. Secured precedential rulings holding that FOIA applies to such requests, 50 F. Supp. 3d 1212, and clarifying agencies' disclosure obligations under the Electronic Freedom of Information Amendments, 78 F. Supp. 3d 1262. As a result of this litigation, the IRS made all Form 990s nationwide available in modern electronic format beginning in 2016. (N.D. Cal. 2015)

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**The Los Angeles Times v. The Regents of the University of California**

Successfully prosecuted a California Public Records Act lawsuit on behalf of The Times and Sacramento Bee to compel public disclosure of the names of all UC Davis police officers involved in the infamous pepper spraying of students protesting tuition increases at UC Davis in November, 2011. (Alameda Sup. Ct., Court of Appeal & Cal. Supreme Court 2014)

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**Martins v. United States Citizenship & Immigration Services**

On behalf of a San Francisco immigration attorney, obtained a rare restraining order in the context of a Freedom of Information Act lawsuit, compelling the USCIS to immediately release of asylum officer interview notes for ten of Mr. Martins' clients. Following the injunction, USCIS entered into a national settlement that ended its policy and practice of withholding asylum officer interview notes with applicants seeking asylum on the basis of the deliberative process privilege. USCIS also agreed to conduct staff

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training that was completed in early 2014. 962 F. Supp. 2d 1106 (N.D. Cal. 2013)

<b>Marken v. Santa Monica-Malibu Unified School District</b>	Represented a UCLA Professor in a California Public Records Act lawsuit to obtain access to public records of a high school teacher disciplined by the SMMUSD. 202 Cal. App. 4th 1250 (2012)
<b>Sacramento County Employees' Retirement System v. Superior Court</b>	Co-authored media amici brief in support of the public's right of access to the names and pensions paid to Sacramento County government retirees kept secret for decades by Sacramento County. 195 Cal. App. 4th 440 (2011)
<b>The Press Democrat v. Sonoma County Employees' Retirement Association</b>	Prosecuted California Public Records lawsuit to secure public access to the names and pensions paid to Sonoma County government retirees kept secret for decades by Sonoma County. 198 Cal. App. 4th 986 (2011)
<b>In re Adams County Historical Society v. Kinyoun</b>	Reversing more than a century of secrecy, obtained a unanimous opinion from the Nebraska Supreme Court that the names of some 1,600 former residents buried anonymously between 1890 and 1959 at the Hastings Regional Center, the state's largest mental health cemetery, are public under the state's Public Records Act. 277 Neb. 749 (2009)
<b>Lawyers Committee for Civil Rights v. U.S. Treasury</b>	Successfully litigated Freedom of Information Act lawsuit to compel the public disclosure of documents reflecting individuals mistakenly identified on the federal government's global terrorist watch list. 534 F. Supp. 2d 1126 (N.D. Cal. 2008)
<b>International Federation of Professional and Technical Engineers, Local 21, AFL-CIO v. Alameda County Superior Court</b>	Filed amici brief on behalf of the Coalition of University Employees in support of the public's right of access to the salaries paid to California's public employees in this landmark decision by the California Supreme Court. 42 Cal. 4th 319 (2007)
<b>Berman v. CIA</b>	Represented Vietnam war historian in Freedom of Information Act litigation, defeating CIA's claim that presidential intelligence daily briefs are categorically exempt from FOIA's disclosure mandates. 501 F.3d 1136 (9th Cir. 2007) Eight years later, the CIA publicly released a collection of 2,500 declassified PDBs from the Kennedy and Johnson Administrations, disproving the CIA's previous dire claims that the PDBs were "uniquely sensitive" and "non-segregable."
<b>Gordon v. FBI</b>	Using the Freedom of Information Act, compelled the FBI and TSA to publicly release previously secret documents about the federal government's expanded use of the "no fly" and "selectee" lists to screen airline passengers after September 11. ACLU-NC recovered \$200,000 in attorneys' fees. 388 F. Supp. 2d 1028 (N.D. Cal. 2004); 390 F. Supp. 2d 897 (N.D. Cal. 2005)



<b>Bakersfield City School Dist. v. Superior Court</b>	Successfully litigated Public Records Act matter in the trial court and court of appeal to establish legal precedent ensuring the public's right to review complaints of misconduct by public employees. 118 Cal. App. 4th 1041 (2004)
<b>San Francisco's Sunshine Ordinance/Proposition G</b>	Co-authored <a href="#">Proposition G</a> (enacted by San Francisco's voters in 1999) to update San Francisco's landmark "Sunshine Ordinance" Sec. 67, providing greater rights of access to public records and meetings within the city and county.
<b>Williams v. Superior Court*</b>	Represented Freedom Communications in Public Records Act lawsuit seeking access to disciplinary records of law enforcement officers involved in the botched execution of a search warrant. 5 Cal. 4th 337 (1993)

### Access to Public Proceedings

<b>First Amendment Coalition v. Governor of the State of California</b>	Representing the First Amendment Coalition in a series of motions to unseal records submitted by the California Governor's Office to the California Supreme Court, seeking the Court's approval of a proposed grant of clemency to a former state senator convicted of election-related crimes. In its ground-breaking order in <i>Wright on Clemency</i> (Case No. S251879), the Supreme Court applied constitutional law and the California Rules of Court governing the sealing of court records to order the Governor to provide public access to the vast majority of the clemency file. Other motions to unseal involving records submitted by Govs. Brown and Newsom in support of clemency requests involving twice-convicted felons remain pending before the Court. (Ongoing)
<b>Perry v. Schwarzenegger/Prop. 8 Trial Video</b>	Represented national media coalition in access proceedings in the District Court, 9th Circuit and in and through the U.S. Supreme Court – during a single week – seeking to televise this historic San Francisco federal trial involving a due process challenge to California's prohibition against same-sex marriage. The Supreme Court issued a temporary stay of the broadcast [ <i>Hollingsworth v. Perry</i> , 558 U.S. 1107, 130 S. Ct. 11232 (2010) (mem.)] and two days later, by a 5-4 vote, extended the stay. <i>Hollingsworth v. Perry</i> , 558 U.S. 183, 130 S. Ct. 705 (2010) (per curiam). Secured a later ruling by the district court allowing access to a videotape of the bench trial [2011 WL 4527349], later reversed by the 9th Circuit. <i>Perry v. Brown</i> , 667 F.3d 1078 (9th Cir. 2012). In 2018, on behalf of KQED, obtained an order unsealing the video of the trial in August of 2020 absent a further court order. <i>Perry v. Schwarzenegger</i> , 302 F. Supp. 3d 1047 (N.D. Cal. 2018). In April of 2019, the 9th Circuit dismissed an appeal of that order by the Proponents of Prop. 8 on ripeness grounds. (Ongoing)

<b>Los Angeles Times Communications LLC v. Kernan</b>	Represented the Los Angeles Times and KQED to challenge the State of California's lethal injection execution regulations, on constitutional grounds, to ensure the public's right of access to observe executions and to prevent the State of California from carrying out significant portions of executions in secret. Defeated the State's motion to dismiss. On March 13, 2019, California Governor Newsom issued an executive order suspending the death penalty in California. (N.D. Cal. 2019)
<b>McNair v. National Collegiate Athletic Assn.</b>	Represented The New York Times and the Los Angeles Times to successfully unseal 400 court documents regarding the NCAA's investigation into whether USC running back Reggie Bush received improper treatment while at USC. 234 Cal. App. 4th 25 (2015)
<b>In re Apple iPod iTunes antitrust litigation</b>	Represented Bloomberg L.P., the Associated Press and CNN to seek the release of a copy of the videotape of former CEO of Apple Steve Jobs shown to the jury during trial proceedings. The District Court denied the motion concluding that the deposition was not a judicial record. 75 F. Supp. 3d 1271 (N.D. Cal. 2014)
<b>In re Google Gmail litigation</b>	Represented Coalition of media organizations to successfully oppose Google's after-the-fact attempt to seal portions of the reporter's transcript of a hearing on class certification held in open court to protect disclosure of proprietary processes used by Google in the operation of Gmail. (2014 WL 10537440 N.D. Cal.)
<b>In re application for exemption from electronic public access fees by Jennifer Gollan and Shane Shifflett</b>	Represented journalists with Bay Citizen and the Center for Investigative Reporting to request an exemption from the fees associated with accessing electronic court records through PACER. The request was denied by the District Court and affirmed by the 9th Circuit but in the process, the access rules were favorably amended to address requests by non-profit media organizations. 728 F.3d 1033 (9th Cir. 2013)
<b>"Fajitagate" gag order</b>	Represented The New York Times and local network television stations to successfully oppose a gag-order requested by the San Francisco District Attorney to restrict pretrial publicity in a criminal case involving eight police officers indicted on charges stemming from a Union Street fight that turned into a political scandal dubbed "Fajitagate". (San Francisco Super. Ct. 2003)
<b>Leshar Communications v. Superior Court*</b>	Obtained precedent-setting appellate ruling ensuring the public's right of access to jury questionnaires used in criminal cases in California's courts. 224 Cal. App. 3d 774 (1990)



## Intellectual Property

<b>Philpot v. Alternet</b>	Defended Alternet in copyright litigation arising from the online publication of a celebrity photograph. (N.D. Cal.; 2019)
<b>Blackshear Enterprises Inc. v. Lenox Corporation</b>	Defended Lenox in arbitration in a complex licensing, copyright, trademark, right of publicity and royalty dispute involving the marketing and sale of collectable figurines. (2016)
<b>City of Inglewood v. Teixeira</b>	Defended citizen-activist in a copyright suit brought by the City of Inglewood arising from his use of clips of city council meetings in critical YouTube videos. The district court found that California government agencies cannot enforce copyright in public records absent specific statutory authorization, and that the action independently was barred by the fair use doctrine. The court dismissed the city's complaint with prejudice and awarded attorneys' fees under the Copyright Act. (C.D. Cal. 2015)
<b>AJ Management Consulting, LLC v. MBC FZ-LLC</b>	Defended MBC in copyright action involving a dispute over the ownership of cloud-based mobile technology used to power MBC's "Omar App" a digital story-telling app used by MBC to promote its Omar television series in the United Arab Emirates. MBC's motion to dismiss granted. (2014 WL 2878891; N.D. Cal.)
<b>Chamber of Commerce of the United States v. Servin, et al.</b>	Represented the Yes Men against trademark claims filed after they performed a political parody of the Chamber of Commerce's controversial position on global climate change; three years after defendants moved to dismiss, the Chamber dropped its lawsuit. USDC D.C. 09cv 2014 (2013)
<b>Alberghetti et al. v. Corbis Corporation</b>	Represented national media and licensors of photographic imagery in amicus brief challenging district court's ruling that the subject of a photograph may assert a viable right-of-publicity claim based merely on a licensor's offer to license the copyright in the photograph. (9th Circuit 2012)
<b>National Photo Group, LLC v. Bleacher Report</b>	Defended Bleacherreport.com in copyright litigation arising from the use of a celebrity photograph. (N.D. Cal. 2012)
<b>Duncan v. Cohen</b>	Defended Sierra Club in federal copyright litigation and related declaratory relief action in state court involving the motion picture rights to Mr. Duncan's novel "The River Why." (N.D. Cal.; San Francisco Sup. Ct. 2008)
<b>Savage v. Council on American-Islamic Relations</b>	Obtained summary dismissal of a copyright/RICO lawsuit brought by conservative syndicated radio talk show host, Michael Savage, targeting the free speech rights of the nation's largest Muslim civil rights organization

Council for American-Islamic Relations (CAIR). 87 U.S.P.Q.2d 1730 (N.D. Cal. 2008)

<b>NIMA Entertainment v. Persian News Network</b>	Successful defense of satellite television station in a complex copyright infringement lawsuit involving the ownership of three Iranian films. (N.D. Cal. 2008)
<b>Identity Arts v. Best Buy Co., Inc.</b>	Defended San Francisco advertising agency in copyright dispute involving its independent creation of short films shown during movie trailers to remind theatre audiences to silence their cell phones. IA's motion for judgment (no access, no substantial similarity and scenes a faire) was granted. (2007 WL 1149155; N.D. Cal.)
<b>Guichard v. Mandalay Pictures, LLC</b>	Represented the Motion Picture Association of America and all of its members (except Metro-Goldwyn-Mayer Studios) to dismiss claim by independent motion picture producer that the MPAA's Motion Picture Title Registration Bureau violated unfair competition and antitrust laws. (2005 WL 2007883; N.D. Cal.)
<b>Knauer v. Kaiser Permanente International, Inc.</b>	Defended Kaiser in copyright litigation involving the ownership of a portfolio of photographs taken by a freelance photographer and associated alleged contract restrictions on Kaiser's marketing collateral. (N.D. Cal. 2004)
<b>Zatz v. Sierra Club</b>	Defended Sierra Club in copyright action involving the use of raw footage of the Arctic National Wildlife Preserve. (W.D. Wash. 2004)
<b>Wham-O, Inc. v. Paramount Pictures</b>	Represented Paramount Pictures and Happy Madison Productions, Inc. to defeat a preliminary injunction to enjoin the film Dickie Roberts: Former Child Star based on trademark and dilution claims arising from the alleged and unauthorized misuse of WHAM-O's "Slip 'N Slide" water slide. 286 F. Supp.2d 1254 (N.D. Cal. 2003)
<b>Zito v. Steeplechase Films</b>	Defended Sierra Club against copyright infringement claim relating to use of photograph of Ansel Adams. The federal court barred plaintiff from recovering statutory damages or attorneys' fees, leading to dismissal of the action. 267 F. Supp. 2d 1022 (N.D. Cal. 2003)
<b>Metro Publishing Inc. v. SurfMet, Inc.</b>	Represented Metro Publishing in successful preliminary injunction motion to enjoin the unauthorized use of Metro's trademark and trade dress. (66 U.S.P.Q.2d 1134 (N.D. Cal. 2002)

## Journalist's Privilege and Source Protection

<b>In re Eurasian National Resources Corp. &amp; In re Dechert Subpoenas</b>	Representing The Sunday Times of London and its reporter Danny Fortson, against subpoenas seeking his unpublished and confidential information used in news reporting about the operations of ENRC. (N.D. Cal. Ongoing)
<b>SFPD search warrants to Bryan Carmody</b>	Represented freelance journalist Bryan Camody to successfully quash five search warrants issued to the San Francisco Police Department, in violation of state and federal protections, in SFPD's investigation into the leak of a police report regarding the death of Jeff Adachi, San Francisco's Public Defender. (San Francisco Cnty. (Calif.) Sup. Ct. 2019)
<b>Hatch v. Kantz</b>	Quashed civil plaintiff's subpoena seeking San Francisco Chronicle reporter Scott Fagan's unpublished reporting materials and later limited Mr. Fagan's deposition testimony to only published information about his news reporting on this civil dispute. (San Mateo Sup. Ct. 2017)
<b>Hurry v. Financial Industry Regulatory Authority, Inc.</b>	Quashed federal subpoena issued to reporter with TheStreet.com seeking the identity of confidential sources and other unpublished information. (N.D. Cal. 2017)
<b>People v. Gaskin</b>	Quashed criminal defendant's pre-trial subpoena to CNN for outtakes of video and reporter's notes taken following protests on the UC Berkeley campus. (Alameda Sup. Ct. 2017)
<b>Riley v. California and U.S. v. Wurie</b>	Submitted amicus brief on behalf of National Press Photographers Association, Reporters Committee for Freedom of the Press, and a coalition of media organizations, urging the U.S. Supreme Court to examine the constitutionality of warrantless searches of cell phone data (including journalists' cell phones) incident to arrest. (U.S. 2014)
<b>People v. Ramos</b>	Quashed pre-trial and trial subpoenas seeking to compel testimony from San Francisco Chronicle protected by the reporter's shield law in a triple-murder trial. (San Francisco Sup. Ct. 2011)
<b>People v. Shotwell</b>	Quashed subpoena seeking San Francisco Chronicle photographer's unpublished photographs of a BART protest. (San Francisco Sup. Ct. 2011)
<b>In re Search Warrant to Gizmodo.com</b>	Aided Gizmodo.com (one of the Gawker Media websites) in dealing with reporter's shield issues immediately following the execution of a search warrant by the San Mateo County District Attorney's Office on the home of a Gizmodo writer covering a story about a prototype Apple iPhone left in a Redwood City, Calif., bar. (San Mateo County Sup. Ct. 2010)

<b>In re subpoena issued to STF Productions, Inc.</b>	Successfully defended "America's Most Wanted" television program against federal criminal defendant's pre-trial subpoena in murder case seeking unpublished video outtakes in nearly four-year dispute; subpoena withdrawn following favorable rulings by the 9th Circuit Court of Appeals. (9th Cir. 2007)
<b>In re Grand Jury Subpoena Issued to Joshua Wolf</b>	Submitted amici brief (along with the ACLU-NC) in the trial court and 9th Circuit in support of freelance journalist Josh Wolf in connection with contempt proceedings against Wolf for his refusal to produce unpublished video footage of a July 2005 anarchist protest in San Francisco and to testify before a federal grand jury. Mr. Wolf went on to be held in federal prison for 226 days, before he was released. (201 Fed. Appx. 430 9th Cir. 2006)
<b>People v. Scott Peterson</b>	On behalf of a national media coalition, responded to a court-issued subpoena (issued during trial) for the media pool to produce all video outtakes of activity outside of the Redwood City, CA courtroom; asserting the reporter's privilege, only footage that was previously broadcast was produced. (San Mateo Super. Ct. 2004)
<b>In re criminal subpoenas issued to Tim Crews/Sacramento Mirror</b>	Co-counsel appellate counsel for the defense of Tim Crews, owner, publisher, editor, reporter, photographer and delivery boy of the Sacramento Mirror in Willows, California. Mr. Crews fought a pre-trial subpoena issued by a criminal defendant seeking Mr. Crews' confidential sources. Mr. Crews sought emergency relief through the California state court appellate system through to the 9th Circuit. Ultimately Mr. Crews voluntarily surrendered to serve 5 days in the Glenn County Jail rather than reveal his sources. A trial subpoena was later issued for the same information but it was withdrawn. In response to Mr. Crews' plight, the California Legislature unanimously enacted legislation (Cal. Civ. Proc. §1986.1) to provide greater protection for journalists, including a requirement that they receive five-day advanced notice to respond to any subpoenas issued in California. (2000)

## Background

- Extern Law Clerk, Hon. Marilyn Hall Patel, U.S. District Court, Northern District of California, Fall 1988

## Professional Recognition

- Named as one of "America's Leading Lawyers for Business" in First Amendment Litigation (Nationwide), 2018-2020; Media & Entertainment: First Amendment Litigation (California) by Chambers USA, 2003-2020
- Named "Lawyer of the Year" in First Amendment Litigation (San Francisco), Best Lawyers, 2015, 2021
- Received the "Willard J. Wright Award" for Outstanding Community Service, 2014
- Named as one of "500 Leading Lawyers in America" by Lawdragon, 2013

- Named as one of the "Best Lawyers in America" in First Amendment Law by Best Lawyers, 2004-2006; named in First Amendment Law and Media Law, 2007-present
- Selected to "Northern California Super Lawyers," Thomson Reuters, 2004-2020
- James Madison Freedom of Information Award for Legal Counsel, Northern California Chapter of the Society of Professional Journalists, 2002

## Memberships & Affiliations

- Chair, DWT Pro Bono and Public Service Committee, 2018-present
- Lecturer, J255, Law & Ethics, Graduate School of Journalism, University of California, Berkeley, 2002-present
- Member, National Board of Advisors, [Cronkite School of Journalism and Mass Communication](#), Arizona State University, 2013
- Governing Board of the ABA Forum on Communications Law, 2008-2011
- Appointed Member, Commission for Impartial Courts, California Task Force on Judicial Campaign Conduct, 2007-2009
- Co-chair, Freedom of Information Committee, Northern California Chapter of the Society of Professional Journalists, 2006-2008
- Member, Internet Law, Membership and Prepublication Review Committees, [Media Law Resource Center](#), 2002-present
- Legal Advisor, [First Amendment Coalition](#), 1990-present
- Legal Advisor, [Student Press Law Center](#), 2008-present
- Member, [San Francisco Lawyers Committee for Civil Rights](#), 2009-present

## Insights

Quoted in "U.S. Judge Temporarily Halts Trump's WeChat Ban," The New York Times, 09.20.20

Twelve From Davis Wright Tremaine Named 2021 "Lawyers of the Year" by Best Lawyers, 08.20.20

Davis Wright Tremaine Recognized by Chambers USA for Industry-Leading Excellence in Key Practice Areas, 04.28.20

"Greenpeace Wins Fees From Paper Co. In Defamation Suit," Law360, 04.23.20

The Annual Roundup of California Anti-SLAPP Appellate Decisions, Media Law Monitor, 02.28.20

"Calif.'s Top Anti-SLAPP Appellate Rulings From Last Year," Law360, 02.14.20

DWT Helps Stop "a Sledgehammer Attack on Press Freedoms", 2019

Window Finally Pried Open into Previously Super-Secret California Clemency Decisions, 2019

ACLU SoCal Honors DWT With Freedom of Information Act Award, 2019

Human Rights Abuses During El Salvador Civil War, 2019

"Carmody case shows grave police overreach, say lawyers," Committee to Protect Journalists, 11.19.19

"Reveal has been fighting a lawsuit for three years. Now we're speaking up about it," Reveal from The Center for Investigative Reporting, 11.05.19

<em>The San Francisco Police Department vs. Bryan Carmody</em>, Media Law Monitor, 09.27.19

Climate Speech Wars Heat Up: Greenpeace Fights for Its Right to Call out Big Industry, Media Law Monitor, 09.27.19

California Supreme Court Analyzes Anti-SLAPP Protection for Speech in a Commercial Setting: Courts Must Consider Challenged Statement's Context, Media Law Monitor, 09.27.19

Davis Wright Tremaine Recognized by Chambers as One of the Country's Leading Law Firms for Business, 05.29.19

Quoted in "The threat and the irony of the San Francisco stringer raid," Columbia Journalism Review, 05.14.19

Quoted in "San Francisco Police Raid on Journalist Alarms Free Press Advocates," The New York Times, 05.13.19

California Supreme Court Limits Anti-SLAPP Protection for Speech in a Commercial Setting; Courts Must Consider a Challenged Statement's Context Under Section 425.16, subdivision (e)(4), 05.09.19

Public Records Litigation Reveals The Truth About L.A. Muslim Mapping Program, 2019

California Supreme Court Broadly Defines the Type of Evidence Courts Should Consider in Ruling on Anti-SLAPP Motions, 03.05.19

Dakota Access Pipeline Operator's \$900 Million Defamation and Racketeering Suit Against Greenpeace Dismissed, 02.15.19

Speech Rights Defended in a Detention Facility, 2018

Co-author, "Hassell v. Yelp: California Supreme Court Affirms Broad Section 230 Immunity," MLRC MediaLawLetter, August 2018

California Supreme Court Affirms Broad Section 230 Immunity, 07.03.18

Davis Wright Tremaine Recognized by Chambers as One of the Country's Leading Law Firms for Business, 05.07.18

The 2017 Roundup of California Anti-SLAPP Appellate Decisions, Media Law Monitor, March 2018

Panelist, "Hot Issues in Anti-SLAPP and Other Legislation," 23rd Annual Conference, ABA Forum on Communications Law, Napa, Calif., 03.03.18

"Public Records Litigation Uncovers Questionable Procedures in Immigration Courts," Davis Wright Tremaine Pro Bono Report, 2017

"DWT Pursuing Information on How the 'Travel Ban' Was Enforced," Davis Wright Tremaine Pro Bono Report, 2017

New York Amends FOIL Provisions on Attorney's Fees, 12.19.17

Reminder: By December 31, 2017, Online Service Providers Must Re-Register DMCA Agents Registered Before December 1, 2016, 12.07.17

Chambers USA Recognizes More Than 100 Davis Wright Tremaine Lawyers as Leaders in Their Fields, 08.03.17

Quoted in "Feds' MDL Bid May Further Delay Info on Travel Ban Detentions," The National Law Journal, 06.19.17

"Subpoena Defense Seminar," First Amendment Coalition, Davis Wright Tremaine, San Francisco, 06.14.17

"Constructive Possession and Trade Secrets," Public Records Act Litigation, Law Seminars International, 06.07.17

"Anti-SLAPP Motions: How to Win Them/Defeat Them!" The Rutter Group, San Francisco, 05.31.17

"Anti-SLAPP Motions: How to Win Them/Defeat Them!" The Rutter Group, Los Angeles, 05.17.17

Ninth Circuit Holds Website Can Lose DMCA Safe Harbor by Using Moderators, 04.19.17

"Everyone Online: Accessibility in the Digital Age" Download, Los Angeles, 03.01.17

"The Latest in the Anti-SLAPP Framework" Civil Litigation Challenges: Excelling in the "Big League," California Judges Association/The Rutter Group, Universal City, Calif., 02.25.17

"Hot Issues in Anti-SLAPP and Other Legislation," ABA Forum on Communications, New Orleans, 02.11.17

The 2016 Roundup of Key California Anti-SLAPP Decisions, Media Law Monitor, January 2017

*Baral v. Schnitt*: California's Supreme Court Rules that the Anti-SLAPP Statute Is Available to Strike "Mixed-Conduct" Claims, Media Law Monitor, January 2017

Protecting the Right to Complain: The Consumer Review Fairness Act of 2016, 12.20.16

Quoted in "Terrorism Lawsuit Against Google, Twitter and Facebook Tries to Pierce Liability Shield," Wall Street Journal, 12.20.16

"Davis Wright Tremaine Pursuing Public Records on Behalf of Human Rights Organizations, Investigative Reporters, Civil Liberties Advocates, and More," Davis Wright Tremaine Pro Bono Report, 2016

2nd Circuit Denies Section 230 Immunity for Acts of Affiliate Marketers, 09.28.16

"First Amendment Protections and Right of Access to Court Proceedings," Presentation to China Law Society Delegation, 9th Circuit Court of Appeals, San Francisco, 09.19.16

Documentary Interviewee Hit With Sanctions for Making False Allegations Against Center for Investigative Reporting, Media Law Monitor, September 2016

Chambers USA Recognizes Davis Wright Tremaine LLP in 33 Practice Areas and Names 89 Attorneys "Leading Lawyers for Business", 05.27.16

Veteran Journalist Sues FBI for Withholding Records Regarding Surveillance of Huey Newton and the Black Panther Party, 03.09.16

"California Anti-SLAPP In 2015: A Look at the Top Cases," Law360, 02.08.16

2015: A Year-End Review of Litigation Using California's Anti-SLAPP Statute, Media Law Monitor, February 2016

"City Government Attempt to Silence a Critic is Blocked," Davis Wright Tremaine Pro Bono Report, 2015

"Shedding Light on Mistreatment of a Highly Vulnerable Population," Davis Wright Tremaine Pro Bono Report, 2015

"Homelessness," Davis Wright Tremaine Pro Bono Report, 2015

California's Correction Statute Amended to Protect Online and Weekly Publications, 10.09.15

Federal Court Nixes City's Attempt to Use Copyright Law to Curtail Critic's Speech on YouTube, Media Law Monitor, September 2015

Court Dismisses City's Copyright Claim Against Critic for Using Council Meeting Clips in YouTube Videos, 08.25.15

State Supreme Court Strikes Down Washington's Anti-SLAPP Statute, 05.28.15

"Anti-SLAPP Litigation," The Rutter Group Civil Litigation Series, 2015, 2016, 2017, 2018

Chambers USA Recognizes Davis Wright Tremaine LLP in 31 Practice Areas and Names 86 Attorneys "Leading Lawyers for Business", 05.20.15

IRS Ordered to Make Non-Profit Form 990s Available In a Useful Electronic Format, Media Law Monitor, March 2015

Penalty! The California Court of Appeal Calls Foul on the NCAA's Attempt to Seal Records of the USC/Reggie Bush Investigation, Media Law Monitor, March 2015

Court Denies Request to Release a Video Deposition of Steve Jobs Shown During Trial, Media Law Monitor, March 2015



"The Expansive World of Anti-SLAPP Litigation: Key Issues and Answers for Judges and Lawyers," Advanced Civil Litigation, California Judges Association/The Rutter Group, University City, Calif., 01.31.15

Another Bumper Crop of California Anti-SLAPP Opinions, Media Law Monitor, January 2015

California's "Online Eraser" Law for Minors to Take Effect Jan. 1, 2015, Media Law Monitor, November 2014

Google Reading Your [Redacted]: A Front Row Seat at the High-Stakes Spying Case You've Never Heard of, Media Law Monitor, November 2014

California's "Online Eraser" Law for Minors to Take Effect Jan. 1, 2015, 11.17.14

Section 230 Does Not Apply to Allegations that Website for Models Failed to Warn Plaintiff About Potential for Rape, 09.30.14

California Court of Appeal Rules Models' Right of Publicity Claims Assignable, Not Preempted by Copyright Act, 09.24.14

Column, "The Information Google Doesn't Want You to Organize," USA Today, 09.04.14

Eleven Attorneys From Davis Wright Tremaine LLP Named 2015 "Lawyers of The Year" By Best Lawyers, 08.19.14

The Big Picture: Aereo Held to Violate Public Performance Right, 06.25.14

European Union's Highest Court Rules Google Must Remove Links Containing Personal Data, Media Law Monitor, August 2014

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European Union's Highest Court Rules Google Must Remove Links Containing Personal Data, 05.14.14

California Supreme Court to Decide in GLAD v. CNN Whether State Disabled Persons Act's "Public Accommodations" Include Websites, Media Law Monitor, May 2014

"Oregon's Anti-SLAPP Statute: What Every Litigator Should Know," Davis Wright Tremaine, Portland, 03.18.14

9th Circuit Recognizes Copyright Interest in Actor's Performance in Response to Fatwa to Justify Takedown of Video, 02.28.14

9th Circuit Asks California Supreme Court to Decide in GLAD v. CNN Whether State Disabled Persons Act's "Public Accommodations" Include Websites, 02.13.14

"DWT's San Francisco Office Setting the Pace for Pro Bono Work," Davis Wright Tremaine Pro Bono Report, Winter 2014

"9th Circuit Asks California SCT to Decide if State's Disabled Persons Act Includes Websites as 'Public Accommodations'," MLRC MediaLawLetter, February 2014

"Anti-SLAPP Law Applied to Weatherman's Employment Discrimination Claim," MLRC MediaLawLetter, January 2014

9th Circuit Declines to Reconsider Applicability of Anti-SLAPP Statute in Federal Court, Media Law Monitor, January 2014

"Circuit Declines to Reconsider Applicability of Anti-SLAPP Statute in Federal Court," MLRC MediaLawLetter, December 2013

New California Law Protects Journalists' Records Held By Third Parties, Media Law Monitor, January 2014

9th Circuit Declines to Reconsider Applicability of Anti-SLAPP Statute in Federal Court, 12.04.13

New California Law Protects Journalists' Records Held By Third Parties, 10.15.13

Court Denies Section 230 Immunity to TheDirty.com for User Posts, Setting Stage for Battle in 6th Circuit, 08.23.13

"California School District Suspends Social Media Policy in Face of a Constitutional Challenge," MLRC MediaLawLetter, August 2013

"Why California anti-SLAPP Belongs in Federal Courts," Daily Journal, 07.03.13

Chambers USA Recognizes Davis Wright Tremaine LLP in 43 Practice Areas and Names 88 Attorneys "Leading Lawyers For Business", 05.30.13

"Lawsuit Helps End Speech Restrictions Outside California Library," Davis Wright Tremaine Pro Bono Report, Spring 2013

"DWT Attorneys Work to Stop Federal Government From Withholding Key Documents From Asylum Seekers," Davis Wright Tremaine Pro Bono Report, Spring 2013

"Negotiating and Structuring Commercial Transactions Between Government Agencies And Contractors: Lessons from Third Party Cases Involving Assertions of Trade Secrets," Public Records Act Litigation, Law Seminars International, San Francisco, 05.08.13

"Ninth Circuit Judges Question Application of California Anti-SLAPP Statute in Federal Court," MLRC MediaLawLetter, April 2013

UK Court of Appeal Holds That, Upon Notice, Google May Be Liable For Defamatory User-Generated Content on Blogging Platform Operated by Google, 02.19.13

A Court Appointed Conservator Is a "Public Official" and Must Prove Actual Malice, Media Law Monitor, 01.07.13

California Court of Appeal Holds That a Private Conservator is a Public Official; Finds No Actual Malice Shown in Claim Based on CBS Report About Conservatorships, 01.07.13

"Access Law," Law School for Digital Journalists, Online News Association Conference & Awards Banquet, San Francisco, 09.20.12

Chambers USA Recognizes Davis Wright Tremaine LLP in Multiple Practice Areas and Names 89 Attorneys "Leading Lawyers For Business", 06.07.12

"Getting Results with Anti-SLAPP Motions," The Rutter Group, San Francisco and Los Angeles, June 6-7, 2012

Moderator, "Online Content Un-Distribution: Global Systems for Content Regulation," Legal Frontiers in Digital Media – a Joint Conference of the Media Law Resource Center and Stanford Law School 's Center for Internet & Society, Stanford University, 05.22.12

"Privacy and Publicity Rights," C.L.E.A.R. 2012, Los Angeles, 05.07.12

"Legal Considerations with Social Media and other Digital Platforms," California Newspaper Publishers Association's 2012 Press Summit, San Jose, Calif., 05.04.12

Seattle Federal Court Begins Pilot Program to Record Civil Proceedings, 03.16.12

"Online Retractions and Corrections," Practically Pocket-Sized Internet Law Treatise, Media Law Resource Center, February 2012

DMCA Update: Copyright Office Proposes Changes to Agent Registration System to Qualify for Copyright Safe Harbor for User Generated Content, 09.30.11

"Can You Really Improve Website Commenting?," California Publisher, Fall 2011

"Brits Are Tweeting in the Face of Injunctions," California Publisher, Summer 2011

New York Court of Appeals Adopts Broad View of Section 230 Immunity, 06.17.11

Bonds Juror Questionnaires to Be Made Public During Voir Dire; Juror Names to Be Withheld Until Trial End, Media Law Monitor, 06.13.11

"These What-ifs Concern Publishers, and Others," California Publisher, Spring 2011

Bonds Juror Questionnaires to Be Made Public During Voir Dire; Juror Names to Be Withheld Until Trial End, 03.16.11

"New Developments: Section 230 Immunity & DMCA Safe Harbor," Intellectual Property and Internet Law Section of the Barristers Club, San Francisco, Calif., 01.24.11

"New Developments in Section 230 Immunity and the DMCA Safe Harbor - A Discussion of Legal Issues for Experienced Internet Counsel (and Those Who Want to Be)," DWT New Media Breakfast Series, New York, N.Y., 01.14.11

"Ninth Circuit Vacates Prior Ruling on Anonymous Online Commercial Speech," MLRC MediaLawLetter, January 2011

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Panel Moderator, "Tweet This! Emerging Liability in the Age of Social Media," 2010 PLUS International Conference, Professional Liability Underwriting Society, San Antonio, 11.12.10

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